

EXHIBIT A

1 APPEARANCES:

2
3 For Plaintiff:

4
5 CAPSTONE LAW APC

6 BY: CODY PADGETT, ATTORNEY

7 1875 Century Park East, Suite 1000

8 Los Angeles, California 90067

9 (310) 712-8029

10 Cody.padgett@capstonelawyers.com

11
12 For Defendants:

13
14 THOMPSON COBURN LLP

15 BY: THOMAS L. AZAR, JR., ATTORNEY

16 One US Bank Plaza

17 St. Louis, Missouri 63101

18 (314) 552-6409

19 Tazar@thompsoncoburn.com

20
21
22 Videographer:

23 JOHN TOPPING

1 because people were complaining that it was in the
2 ads and that's one of the things I mentioned earlier
3 is in the ads they showed this car with the light in
4 the back.

5 So I think for my birthday or something in
6 2015 my father actually purchased that light and we
7 installed it together. I don't know where that --
8 that light is. He may have it, he probably got rid
9 of it to be honest because it's just a dummy light
10 and we installed the real LED light in my car. But,
11 you know, I asked him and he didn't know where it
12 was.

13 Q Have you looked -- and I want to -- I want
14 to be clear because your response makes me think we
15 might not be on the same wavelength.

16 You understand this request for production
17 No. 29 isn't just asking for parts you removed from
18 the car --

19 A Uh-huh.

20 Q -- it's parts anyone removed from the car.
21 Do you understand that?

22 A Okay. Yes, I -- I do understand that and I
23 guess I would like to say that the dealers also
24 removed some parts. The -- the repair that took
25 place recently I have kept the part, which is a

1 hydraulic hose. It's in the trunk of my car. That
2 was the only thing since this litigation began that
3 has been replaced on my car.

4 Q And so other than the hydraulic hose that
5 was recently removed from your Dodge Dart, there are
6 no other parts you have or know where they are that
7 have been removed from your vehicle?

8 A Correct.

9 MR. AZAR: Let's go off the record for just
10 one minute.

11 MR. PADGETT: Sure.

12 THE VIDEOGRAPHER: We are off the record on
13 Media 1 at 10:19 a.m.

14 (A brief recess was taken.)

15 THE VIDEOGRAPHER: We are back on the
16 record on Media 2 at 10:24 a.m.

17 Q BY MR. AZAR: Mr. Tavitian, I'm going to
18 hand you what has been marked as Exhibit D.

19 Do you recognize this document?

20 A Yes.

21 (The aforementioned document was marked
22 as Exhibit D by the court reporter.)

23 Q BY MR. AZAR: Okay. Did you review this
24 document before it was filed or before it was
25 provided to FCA?

1 expert opinion, calls for a legal conclusion.

2 MR. AZAR: Expert opinion. Okay. Well --

3 THE WITNESS: I don't know how to roll back
4 an odometer. I assume you're talking about older
5 cars where you could insert some wrench and crank it
6 back.

7 Q BY MR. AZAR: Uh-huh.

8 A It's digital on my car. It's a computer.

9 Q Right. But there's still a display that
10 reads a number; correct?

11 A Correct.

12 Q And that number indicates the number of
13 miles your car has been driven?

14 A Not in my case. But I have --

15 Q Well, that's exactly what I'm getting to,
16 which is it displays a number that is not the number
17 of the miles that your car has been driven, it
18 displays a different number; right?

19 A Correct.

20 Q Okay. It displays a number that is far
21 less than the number of miles your vehicle has
22 actually been driven; right?

23 A Correct.

24 Q Okay. And if you were to say sell your
25 vehicle on Craigslist and someone came over to your

1 house to look at the vehicle they would see -- after
2 turning it on, they would see a display that you
3 installed that reads 20 -- I think it's 27,000 miles
4 fewer than the number of miles your vehicle has
5 actually been driven?

6 A Correct.

7 Q Okay. And -- but it's your contention or
8 position that that thing on the dashboard that
9 displays miles, the mileage of your vehicle, is not
10 an odometer?

11 A My contention is that there is an
12 overriding computer that controls -- or that measures
13 the total number of vehicles the vehicle has been
14 driven without taking into account the odometer on
15 the cluster.

16 Q So in other words, there's some other way
17 that maybe someone with a high degree of computer
18 expertise could figure out the actual number of miles
19 your vehicle has been driven; right?

20 MR. PADGETT: Well --

21 THE WITNESS: That is not correct. Sorry.
22 That is not correct. And someone with no computer
23 experience can plug it into the Dodge dealer computer
24 and see exactly. I also have a mileage odometer
25 statement that I give to every single person who

1 road accelerated to block me. And so I just kind of
2 slowed down and glanced the back of their car just a
3 little bit going very slow speed, like under five
4 miles an hour.

5 Q Did you or the other party file an
6 insurance claim about that accident?

7 A No.

8 Q Did you pay them some money or was it just
9 so little damage it didn't matter?

10 A So little damage it didn't matter.

11 Q Okay. We've talked a little bit about the
12 instrument panel being replaced on your car. And so
13 I want to go through that kind of step by step.

14 So the new odometer instrument panel,
15 whatever you want to call it, it shows 28,697 fewer
16 miles than has actually been driven on your vehicle?

17 A Correct.

18 Q And where did you get that?

19 A From a junkyard online.

20 Q What junkyard?

21 A I don't know exactly. It was a -- it was a
22 website that shows like different parts that people
23 have from, you know, whatever car and you can just
24 put in Dodge Dart, some -- you know, it will show you
25 what they have. And I found a cluster that was from

1 know what, I think the email said to call them.

2 That's what it said.

3 Q Okay. And do you know when that call was?

4 A It was roughly spring of 2016.

5 Q And tell me about that call, what was said?

6 A They told me over the phone that they were
7 denying my claim because my warranty -- or because my
8 complete vehicle restriction, my powertrain warranty
9 had been voided.

10 Q Did they say anything else?

11 A No. I did ask them to send me a written
12 notification of that, which I forwarded to my
13 attorneys.

14 Q And so at the time you sent this letter in
15 had you retained counsel or talked to lawyers about
16 this issue?

17 A I had not retained counsel. I had figured
18 out that Capstone Law was involved in the previous
19 case and I had asked their advice on how to proceed
20 in getting my repair reimbursed, because it appeared
21 to me based on this letter that I should have
22 received it. And I should have been -- my
23 bumper-to-bumper warranty should have been extended
24 to cover that incidence.

25 Q And just to be clear, FCA's position in

1 down through the document, let's -- let's get clear
2 on what this says and then I want to -- then I want
3 to walk through where you think it's wrong.

4 A Sure.

5 Q So Step 1, they make sure that your clutch
6 is actually stuck to the floor?

7 A Yeah. They used their eyes.

8 Q Step 2, they replace your clutch master
9 cylinder and your reservoir hose?

10 A Again, that wasn't told to me and I'm not
11 aware of that actually being the case.

12 Q Okay. But if I tell you that's what an X62
13 extended warranty repair is, you don't have any
14 reason to doubt that?

15 A I don't, I just -- based on my -- all my
16 prior experience with the dealer, you have to
17 authorize -- any car repair you have to authorize
18 anything that's done to your car, and being that I
19 was involved in a lawsuit I would have asked if that
20 was something that could have been done.

21 So this is very concerning. So I don't
22 know if this was done or if it's something they said
23 was done and then somehow claimed reimbursement to
24 Chrysler for it.

25 THE REPORTER: Whoa, whoa, whoa.

1 to know exactly what was done to my car. And because
2 this wasn't communicated to me I would tend to doubt
3 that.

4 Q All right. Other than that, do you have
5 any reason to doubt that this is what Glendale's
6 mechanics did and found what is reflected in Exhibit
7 AA?

8 A Again, I'm going to generally say that my
9 independent mechanic told me that what is represented
10 here is incorrect. So I do have a reason to doubt
11 that.

12 Q Did he look at this document or something
13 like it, Exhibit AA?

14 A No. He looked at the parts in the car.

15 Q Okay.

16 A And if they had just replaced the master
17 cylinder, then it would seem strange that it needed
18 to be replaced again.

19 Q All right. So -- and let's get to -- your
20 mechanic is J & E?

21 A Uh-huh.

22 Q J & E?

23 A J & E, it's the E is Emad, he's the guy I
24 dealt with. So it's two people's first names, I
25 believe.

1 Q So in October you take your vehicle to J &
2 E Auto Services, Inc.?

3 A Uh-huh.

4 Q All right. And Exhibit BB is the invoice
5 you got from the work that was done at J & E Auto
6 Services in October of 2016; right?

7 A Yes.

8 Q Okay. So had you dealt with the folks at
9 J & E before you had them do this repair?

10 A No. I found them on Yelp based on good
11 reviews and being very close to the Glendale
12 dealership.

13 Q Okay. So you investigated them on Yelp.
14 Is that something you do frequently? Check Yelp out
15 to see how someone's --

16 A In general. Just Google. I mean,
17 especially with mechanics and that kind of stuff,
18 plumbers, you know, just skilled work.

19 Q And the individual you dealt with at J & E,
20 what is his name?

21 A Emad.

22 Q So when you took your vehicle in and you
23 talked to Emad, what did you tell him?

24 A The history of what's going on with the car
25 and it needs a new clutch. That's what the

1 MR. AZAR: Yes, of course.

2 THE VIDEOGRAPHER: We are off the record on
3 Media 7 at 4:59 -- make that 4:00 p.m.

4 (A brief recess was taken.)

5 THE VIDEOGRAPHER: We are back on the
6 record on Media 8 at 4:07 p.m.

7 Q BY MR. AZAR: Okay. Mr. Tavitian, it seems
8 like we have an issue here with regard to -- we've
9 got three different sets of mechanics working on your
10 vehicle all at the same time, all working on your
11 clutch in -- looks like mid-2016 to the end of 2016
12 or even a little bit into 2017; is that right?

13 A I wouldn't say all at the same time, I'd
14 say sequentially.

15 Q Sequentially is correct. And so do you
16 know if any of the folks at Glendale kept the parts
17 that they took out?

18 A I wasn't aware they took any parts out.

19 Q Okay. I could be wrong on that.

20 Did you ask Emad at J & E Auto Services to
21 keep any of the parts he pulled out of your vehicle?

22 A No. I don't think so.

23 Q Okay. Would it be fair to say if he
24 replaced your clutch master cylinder by now it's
25 gone; right? Or is there a possibility that he kept

1 it?

2 A I'm not sure.

3 Q Do you know if he kept any of the clutch
4 parts he pulled out of your vehicle?

5 A No. I'm not sure.

6 Q Okay. Given that you had filed a lawsuit
7 about issues with your clutch, why didn't any of the
8 clutch parts get kept, to your knowledge?

9 A I don't know.

10 Q Do you know if a bunch of the clutch parts
11 are missing if anyone would be able to tell what was
12 going on with your clutch in 2016, other than what
13 the folks at Glendale observed?

14 A Well, they had inspected my clutch before
15 anything was done according to my understanding of
16 it.

17 Q Correct. And then after that -- so they
18 inspected your clutch, they made their conclusions
19 and then after that the vehicle goes off to J & E and
20 unknown parts are taken out; correct?

21 A I don't know.

22 Q Well, I mean, he definitely took out your
23 slave cylinder; correct?

24 A Again, that was not my understanding when I
25 spoke to him. So I don't know.

1 think it's related now?

2 A Because it seems to be recurring as a part
3 of a pattern, not just for me but other people with
4 my car.

5 MR. PADGETT: Calls for expert opinion.

6 Q BY MR. AZAR: Hold on. What do you mean,
7 other people with your car?

8 A Other people --

9 MR. PADGETT: Calls for expert opinion.

10 THE WITNESS: I -- yeah. Basically --
11 basically I -- I've seen other people with my car
12 that have the same issue.

13 Q BY MR. AZAR: Okay. Where?

14 A As previously stated on the forums where
15 I've done research on my car. And I think actually
16 there's a whole set of -- one of these, I forget
17 which one, but a bunch of complaints that we included
18 in our filings.

19 Q Okay. So you've seen complaints on the
20 internet.

21 Have you seen any complaints from anyone
22 else who was denied the X62 extended warranty because
23 of odometer tampering?

24 A No, not specifically.

25 Q Okay. Have you seen anyone else who was